

Message Text

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FOR USDEL TO ICAO CONFERENCE

E.O. 11652:N/A

TAGS: EAIR, UK

SUBJECT: U.S.-U.K. CIVAIR NEGOTIATIONS

1. USDEL TO ICAO REQUESTED TO PASS FOLLOWING TEXT OF DRAFT
TARIFF ARTICLE TO GEORGE BONNEY OF UK DEL NO LATER THAN 12
NOON APRIL 20. BEGIN TEXT:

U.S. RENEGOTIATION 6, REVISION III, APRIL 19, 1977, TARIFF
ARTICLE.

A. FOR THE PURPOSE OF THE FOLLOWING PARAGRAPHS, THE TERM
"TARIFF(S)" MEANS THE SPECIFIC PRICES TO BE CHARGED FOR THE
CARRIAGE ON SCHEDULE SERVICES OF PASSENGERS, BAGGAGE AND
CARGO (EXCLUDING MAIL) AND THE CONDITIONS GOVERNING THE
AVAILABILITY OR APPLICABILITY OF SUCH PRICE INCLUDING T;E
PRICES AND CONDITIONS FOR SERVICES ANCILLARY TO SUCH CAR-
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RIAGE AND SHALL NOT INCLUDE THE COMMISSIONS TO BE PAID TO
AGENTS.

B. THE TARIFFS TO BE CHARGED BY THE DESIGNATED AIRLINES OF
ONE CONTRACTING PARTY FOR CARRIAGE TO OR FROM THE TERRITORY
OF THE OTHER CONTRACTING PARTY SHALL BE ESTABLISHED AT THE
LOWEST LEVEL CONSISTENT WITH HIGH STANDARD OF SAFETY AND A
FAIR RETURN TO EFFICIENT AIRLINES OPERATING ON THE AGREED

ROUTES. EACH CHARGE FOR A SERVICE SHOULD, TO THE EXTENT FEASIBLE, BE BASED ON THE COSTS OF PROVIDING SUCH SERVICE ASSUMING REASONABLE LOAD FACTORS. DUE REGARD SHALL BE PAID TO ALL OTHER RELEVANT FACTORS, INCLUDING THE NEED OF AIRLINES TO MEET COMPETITION FROM SCHEDULED OR NONSCHEDULED SERVICES, TAKING INTO ACCOUNT DIFFERENCES IN COST AND QUALITY OF SERVICE, AND THE PREVENTION OF UNJUST DISCRIMINATION AND UNDUE PREFERENCES OR ADVANTAGES. TO FURTHER THE REASONABLE INTERESTS OF USERS OF AIR TRANSPORT SERVICES, AND TO ENCOURAGE THE FURTHER DEVELOPMENT OF CIVIL AVIATION, INDIVIDUAL AIRLINES SHOULD BE ENCOURAGED TO ESTABLISH INNOVATIVE, COST-BASED TARIFFS FOR SERVICE ON INDIVIDUAL ROUTES.

C. THE TARIFFS TO BE CHARGED BY THE DESIGNATED AIRLINES OF THE CONTRACTING PARTIES FOR CARRIAGE BETWEEN THEIR TERRITORIES SHALL BE ESTABLISHED IN ACCORDANCE WITH THE PROCEDURES SET OUT IN PARAGRAPHS E TO H OF THIS ARTICLE.

D. THE TARIFFS TO BE CHARGED BY THE DESIGNATED AIRLINES OF ONE CONTRACTING PARTY FOR CARRIAGE ON ROUTES TO OR FROM THE TERRITORY OF THE OTHER CONTRACTING PARTY OTHER THAN THE TARIFFS REFERRED TO IN PARAGRAPH C OF THIS ARTICLE SHALL BE IN ACCORDANCE WITH THE TARIFFS APPROVED BY THE OTHER CONTRACTING PARTY AND BY ANY OTHER STATE OR STATES WHOSE PERMISSION IS NECESSARY FOR CARRIAGE OVER SUCH ROUTES; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL A CONTRACTING PARTY REQUIRE A HIGHER CHARGE, OR IMPOSE MORE RESTRICTIVE CONDITIONS, THAN THE TARIFF IN EFFECT BY ITS OWN AIRLINES FOR LIMITED OFFICIAL USE

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COMPARABLE SERVICE BETWEEN THE SAME POINTS. SUCH TARIFFS SHALL BE FILED BY THE DESIGNATED AIRLINES CONCERNED WITH THE OTHER CONTRACTING PARTY, IN ACCORDANCE WITH ITS REQUIREMENTS.

E. IT IS RECOGNIZED BY THE CONTRACTING PARTIES THAT, DURING ANY PERIOD FOR WHICH EITHER CONTRACTING PARTY HAS APPROVED INTER-CARRIER DISCUSSIONS OF TARIFFS, INCLUDING THOSE HELD UNDER THE TRAFFIC CONFERENCE PROCEDURES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION, OR OTHER ASSOCIATION OF INTERNATIONAL AIRLINES, ANY TARIFF AGREEMENTS CONCLUDED AS A RESULT OF SUCH DISCUSSIONS AND INVOLVING AN AIRLINE OR AIRLINES OF THAT CONTRACTING PARTY WILL BE SUBJECT TO THE APPROVAL OF THE AERONAUTICAL AUTHORITIES OF THAT CONTRACTING PARTY AND WILL ALSO BE SUBJECT TO DISAPPROVAL WHETHER OR NOT PREVIOUSLY APPROVED. THE SUBMISSION OF SUCH AGREEMENTS SHALL NOT BE DEEMED TO BE A FILING OF A PROPOSED TARIFF FOR PURPOSES OF THE PROVISIONS OF PARAGRAPH F BELOW. SUCH AGREEMENTS SHALL BE SUBMITTED

TO THE AERONAUTICAL AUTHORITIES OF BOTH CONTRACTING PARTIES FOR APPROVAL AT LEAST 105 DAYS BEFORE THE PROPOSED DATE OF THEIR INTRODUCTION, ACCOMPANIED BY SUCH JUSTIFICATION OF PROPOSED AGREEMENTS AS EACH CONTRACTING PARTY MAY REQUIRE

OF ITS OWN AIRLINES. THE PERIOD OF 105 DAYS MAY BE REDUCED BY THE AGREEMENT OF THE AERONAUTICAL AUTHORITIES OF BOTH CONTRACTING PARTIES. THE REGULATORY AUTHORITIES OF EACH CONTRACTING PARTY SHALL EXERCISE THEIR BEST EFFORTS TO DISPOSE OF EACH AGREEMENT SUBMITTED IN ACCORDANCE WITH THIS PARAGRAPH BY APPROVAL (IN WHOLE OR IN PART), OR DISAPPROVAL, ON OR BEFORE THE 60TH DAY AFTER SUBMISSION OF SUCH AGREEMENT. EACH CONTRACTING PARTY MAY REQUIRE THAT TARIFFS REFLECTING AGREEMENTS APPROVED BY IT BE FILED AND PUBLISHED IN ACCORDANCE WITH ITS LAWS.

F. ANY TARIFF PROPOSED TO BE CHARGED BY AN AIRLINE OF ONE LIMITED OFFICIAL USE

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CONTRACTING PARTY FOR CARRIAGE BETWEEN THE TERRITORIES OF THE TWO CONTRACTING PARTIES SHALL, IF SO REQUIRED, BE FILED BY SUCH AIRLINE WITH THE AERONAUTICAL AUTHORITIES OF THE OTHER CONTRACTING PARTY IN ACCORDANCE WITH THEIR PROCEDURES AT LEAST 75 DAYS PRIOR TO THE PROPOSED EFFECTIVE OR APPLICABLE DATE OF SUCH TARIFF, UNLESS THE AERONAUTICAL AUTHORITIES OF THE CONTRACTING PARTY WITH WHOM THE FILING IS TO BE MADE ALLOW THAT FILING TO BE MADE ON SHORTER NOTICE. SUCH TARIFF SHALL BECOME EFFECTIVE UNLESS DISAPPROVED BY THE AERONAUTICAL AUTHORITIES OF THAT CONTRACTING PARTY AS PROVIDED IN PARAGRAPH L BELOW.

G. IF THE AERONAUTICAL AUTHORITIES OF ONE CONTRACTING PARTY, ON RECEIPT OF ANY FILING REFERRED TO IN PARAGRAPH F ABOVE ARE DISSATISFIED WITH THE TARIFF PROPOSED, THAT CONTRACTING PARTY SHALL SO NOTIFY THE OTHER CONTRACTING PARTY THROUGH DIPLOMATIC CHANNELS WITHIN 20 DAYS OF THE FILING OF SUCH TARIFF, BUT IN NO EVENT LESS THAN 15 DAYS PRIOR TO THE PROPOSED EFFECTIVE DATE OF SUCH TARIFF. THE CONTRACTING PARTY RECEIVING THE NOTIFICATION MAY REQUEST CONSULTATIONS AND, IF SO REQUESTED, SUCH CONSULTATIONS SHALL BE HELD FOR THE PURPOSE OF ATTEMPTING TO REACH AGREEMENT ON THE APPROPRIATE TARIFF. IF NOTIFICATION OF DISSATISFACTION IS NOT GIVEN AS PROVIDED IN THIS PARAGRAPH, THE TARIFF SHALL BE DEEMED TO BE APPROVED BY THE AERONAUTICAL AUTHORITIES OF THE CONTRACTING PARTY RECEIVING THE FILING AND SHALL BECOME EFFECTIVE ON THE PROPOSED DATE.

H. IN THE EVENT THAT AN AGREEMENT ON THE APPROPRIATE TARIFF IS REACHED PURSUANT TO THE PROVISIONS OF PARAGRAPH G ABOVE, EACH CONTRACTING PARTY SHALL EXERCISE ITS BEST

EFFORTS TO PUT SUCH TARIFF INTO EFFECT. IN THE EVENT THAT NO AGREEMENT ON THE APPROPRIATE TARIFF CAN BE REACHED PRIOR TO THE PROPOSED EFFECTIVE DATE OF SUCH TARIFF, THEN THE AERONAUTICAL AUTHORITIES OF THE CONTRACTING PARTY EXPRESSING DISSATISFACTION WITH THE TARIFF MAY TAKE ACTION TO LIMITED OFFICIAL USE

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CONTINUE TO FORCE THE EXISTING TARIFFS BEYOND THE DATE ON

WHICH THEY WOULD OTHERWISE HAVE EXPIRED AT THE LEVELS AND UNDER THE CONDITIONS (INCLUDING SEASONAL VARIATIONS) SET FORTH THEREIN; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL A CONTRACTING PARTY REQUIRE A HIGHER CHARGE, OR IMPOSE MORE RESTRICTIVE CONDITIONS, THAN THE TARIFF IN EFFECT BY ITS OWN AIRLINES FOR COMPARABLE SERVICE BETWEEN THE SAME POINTS.

I. THE AERONAUTICAL AUTHORITIES OF EACH CONTRACTING PARTY SHALL EXERCISE THEIR BEST EFFORTS TO ENSURE THAT THE TARIFFS CHARGED AND COLLECTED CONFORM TO THE TARIFFS FILED AND IN EFFECT WITH THE AERONAUTICAL AUTHORITIES OF EITHER CONTRACTING PARTY, AND THAT NO AIRLINE REBATES ANY PORTION OF SUCH TARIFFS BY ANY MEANS, DIRECTLY OR INDIRECTLY. END TEXT.

2. DECONTROL UPON RECEIPT.
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Message Attributes

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